P J 15 3 93

G. R. S. IX-51

Previous references. 1892–93 192 (L. R)

File No. 162 of 92

Serial Nos. 1 to 16

Later references

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 16 (16 K5

M ~~Part~~ B for February 1902

SUBJECT.

Appeal of Kuppiah of Chittanhalli, Gubbi taluk regarding the Shanbhag Cane

WD 2288—GPB—20,000—11-6-20

The Deputy Commissioner
Jullundur District

No. 15124 / Pet: 1498 Dated 9/13/3/94
Enc: 2 files.

His letter no. 35-D 10th July 1893,
transmitting the proceedings in Revenue
Appeal suit no 11 on the file of his Court

L.R. 162-92-1

returning the proceedings received
with above has the honour to
state that the entire proceedings
relating to appeal suit no. 12
on file of his Court may be
transmitted to this Office as the
case before Government
on the decree passed therein

By Order
9/3
for Chief Secretary

All
~~A~~ No 166 of 1892-93

Appt
Kuppia

Respts
1 Mannikara
2 Gangadhara
3 Varadra
4 Ranganaikan
5 Rangia

The appt & the 3rd Respt belong to one family, & all the other Respts to another. Both the families had equal shares in the Shanthoge of 16 villages, & were performing the duties of the office jointly. In 1856 under the orders of the Dist Supt, the Amildar allotted 2 villages to each family & ordered that the office in the remaining 2 Villages i.e. Chellanhalli, & Bagayat be held by the two families by turns, each holding one village at a time. — ~~This arrangement continued till 1865, when~~ In the year of 1864 Chellanhalli stands in the name of 4th Respt, & Bagayat in the name of appt the other members of the two families being shown as Amildars

in both the villages.

In 1879, in a suit between the Appts & Res 2, 3, & 5 Respts a Razinamah Decree was passed by the Dist Court whereby that the Kasba Chullanbalee be registered in the name of the Appts & he be directed to pay the other shareers, their shares of Mesne, viz 1/4th to the 3d Respt, 1/4th to the 2d Respt, & 1/4 to the 5th Respt & the minor co-sharers who are No 1 & 4" No ~~1~~ 4 ~~Respt~~ Respts was made accordingly.

See Vol Rec of Pot Collr's & this Suit to the Court of Reference &c

In 1891-92, the 1st & 2d Respts brought a suit for the recognition of their shares in the two villages, but the Asst Court who heard

Recognition

the Case dismissed
chan the ground that the
~~[illegible]~~ the deed was barred
by the Laws of Limitation
as there was no evidence
that the Pltffs had record
any share subsequent
to the Partnership Deed
of 1879 But in
the Appellate Court of
the Dy Comr, Public
documents ~~were produced~~
to show that both the
families received
the emoluments of
the office ~~held by Govt~~ paid by Govt
till 1887, & the Dy
Comr, reversed the Decree
of the ~~Lower Court~~ Ld.
asst, & decreed that
~~the names of the 1st &~~
~~2d Defts~~ her name be
registered as 1/4th shares
the present appeal is against
the Decree ——

the 1st Appellant produced

The grounds of wheat
are.

(In Chancery Rangoon
Continued)

The acquittance
bills produced by
Mauriciah show
that the family represented
by Civil Rangacharial
and Ganglachariah
were in receipt of
emoluments (under a
Razinama decree) till
1887. But it was
argued for the appellants
that the receipts related
solely to the emoluments
of Chitakalli proper
and not to Bajagat
and that consequently
the suit so far as it
related to the latter
was barred by limitation.
The Dy Commr has rejected

to report after referring
to office records,
whether the enclosures
received by Ranjadhanish
and Gangadharaiah related
to Chitradurgi proper
alone or to Chitradurga
and Bagepalli=

The Dy Commr
reports that a sum
of Rs 2-3 was fixed
as remuneration for
all the 16 villages
including the two
in question and that
each of the two families
has received a moiety
of it

Amirkenah (Respdt)
has taken the
following objection
to the decree appealed
against: —

1. That a direction
be made for
allowing the Res
pondent to have
independent Charge
of either the
Bajigat or Chetan
Kalli Shanabag
or for performing
the duties of both
the offices by
rotation

8

An important fact
is mentioned in the
Learned Messrs Judges
that the Pltffs had filed
a suit for this very thing
one. hope and that the suit
was dismissed for default
This fact was not mentioned
in the pleas and the same
is to be rejected - Whereas this
order & were both the present
Pltffs Pltffs in that suit & what
is the effect of the dismissal of
that suit for default - & can
another suit be filed on the same
cause of action without the first
order be set aside - Mesn
papers will be taken out &
brought - some by the Jayawardene &
& if they are not on the record
they will be sent for

20/4/95

Sealed
There is nothing in the proceedings
to show that a writ was sealed on
17th February 91 by Messrs Jayawardene & Obeyesekere
Obeyesekere that it was dismissed for Pltffs default
21/2/95 - The Crown Counsel directed
that the Dy Comm be written to to the matter reaching
21/2/95

Submitted
The plaint of 7th Feb. 1891 & proceedings
thereon are Subd - The parties, the terms
of the plaint & reliefs sought are the same
as those in the plaint filed on 1st
Sept. 1891 - The former was presented
on 18-2-91 referred by the Dy Com.
to the Amildar for enquiry on 21-2-91
& received by the Asst on 25-2-91.
On

On 5-3-91 the Amildar issued a notice to Plffs intimating the reference made to him by the Dr Court and directing Plffs to appear on 14-3-91, with process fees, to take further action. The notice was served on Plffs on the date fixed (14-3-91) and it was returned by the Sheristar on the same date. On 18-5-91 the Amildar returned the proceedings to the Dr Court with a report that even up to that date the Plffs had not appeared & put in process fees. The Dr Court ordered on 21-5-91 that the case be struck off the file. The second plaint in the same terms was presented on 1-9-91.

Under the Civ. Pro. Code, when a suit is dismissed for Plffs default on a day fixed for defts appearance the Plff may (subject to the law of limit^n) bring a fresh suit. In this case no date had been fixed for defts' appearance & the same rule seems to apply.

27/5/95

For the reasons given by the Distrct Court the suit does not seem to have been barred. The Plffs would appear to have been receiving their share of the money allowance which was granted by Govt. Their allegation is that it was in

Chikalkarm that the payment
of their share of the Inam was
discontinued - It is very notable
that after the Survey Settlement was
introduced and the Pakka
Pattya was fixed the Offs were refused
their share - But from the Pay
abstracts & Jamabandi rolls filed
by Offs it is evident that they
or Rangadhamayya through whom
they claim has been receiving shares
of the money allowance from the Treasury
till 1885-86 Offs then there is this
evidence of their enjoyment till 1885-86
their omission thereafter any portion
of the Pattya allowance does not
place them under a disadvantage
as regards limitation The finding
that the suit is not barred is
correct and is upheld -

With regard to the particulars
of the enjoyment there is enough
in the admission of the 1st Off
who told that the Off's family had
for its share one-half of their village
This was enjoyed by the 3rd Off
and he admits the truth of the

Statements made in the plaint according to which he gave away his one-half in these villages to the fathers of the two offs and reserved for himself two other villages. It is thus clear that the offs between themselves are the heirs of one half share of the shanbhog's hereditary villages. The decree of the trial court gives them each a greater share and declares their title. To as much as this decree is therefore right and must be confirmed

The appeal is dismissed

Mr. Abdul Rahiman
30/5/1955

Sahebs KB

Abdul Rahiman
1/6/55

12 Nov 12

1) Re the question as to whether this is a Council Case to be decided by precedent then it must be held to be a "Council case", as Cases involving the appointment of guardians by incapacitated office-holders have frequently been dealt with in Council

But looking to the terms of para 10(1)(a) of the Rules of Business 2012 claims to all hereditary titles &c, it is not clear if the appointment of guardians is also included in the above para

2) In future this point will be made

11/12/12

1210

doctrine, I understand
both the Divisional Bench
of the D'Cr in this
matter. It is open
to the petr to apply
to the D'Cr Court
to consider it undesirable
to lay down rules
for the guidance
of D/Commrs in
the selection of premises
There are already many
rulings on the
subject and Govt
leave the application to the dis
cretion of D/Com.
according to the
circumstances of each case

15/2/1902

Dr Tyagaraja Iyer
If you think the
doctrine herein laid
down is sound
you may print
the order

DA
17/2

15/2/1902
Dft: Rules + Enclt
Print up. Sd 19-2-02

17/2/02

Proc. of the Govt. of Madras

Read:-

Petn of appeal No 1136 of 30-9-01 from Vardiengadu of Chittanalli, Gubbi Taluk against the Dy Commrs order appointing Mavinkerinda a hissedar in the Shanbhogi hak of Chittanalli as Gumastā during the minority of Narrienger the petitioners brother and registered Shanbhog of Chittanalli circle

Order thereon

Govt decline to interfere with the discretion of the Dy Commr in this matter. It is open to the petitioners to apply to the Dy Commr Govt consider it undesirable to lay down rules for the guidance of Dy Commrs in the selection of gumastas. There are already many rulings on the subject and Govt leave their application to the discretion of Dy Commrs according to the circumstances of each case.

C. Dpt

Secretary

To The Dy Commr Tumkur Dist

Rept. in the appl. of Ser. - Pl. appears to me that a mere rejection of appl. would imply as much as is said here & that there is nothing in this which can be law to be addressed to the Dy Com. by whom the proc will go @ by 20/2/02

I also think so. The reasons appear to be directions for guidance in office

Issue an order rejecting Petn please

21/2

Mdl Sec issued on 25-2-02

Sd/ 26-2-02

15 Supt & 1st Counsellor

Petn No 1136 of 1901-02

In this case, the petn has been rejected by ordr & both the Secy & myself were of opinion that the principles enunciated in the Counsellors ordr of 15/2/02 were adapted more for the guidance than for the guidance of Govt Servts

2) Orders solicited as to whether it is unnecessary to issue the proc or whether it may be issued

In the latter case, I venture to point out the apparent inconsistency between the penultimate & the last sentences in the draft proc

It is first stated that "Govt consider it undesirable to

You were perfectly right in what you did

[signature]

Sierra Leone

Please direction are out of place in the proc

[signature]

lay down rules & then
it is stated that there
are many such rules

31/3/02

17)39(a)

Receipts to be called for
R.K.
6.

F. R. 162-92.

(General Serial No. 32.)

1893. (2)

No. 3265

Name of Petitioner. Kapaiah

Village.

Taluk. Bangalore

District.

Date of Arzi. 12 June -93.

Date of Receipt. 14 June -93.

Date of Disposal.

No. of Enclosures. three.

ABSTRACT.

Appeal against the decision of the Deputy Commr. Bangalore in Rev. appeal Case No: 12 of 1892-93 for the reasons mentioned in his petition -

K.S.
15/6.

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

Pet
1692

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 3265-

dated 12-6-93 received at the

Dewan's Office from Kapplah of Chatnahalli, Gubbi Taluk, appealing against the Deputy Commissioner's order in Revenue appeal Case 2012 of 1892 regarding the Shanbhogi office of Chatnahalli village in the said Taluk is forwarded, together with its three enclosures, to the Deputy Commissioner, Tumkur District, for submission of proceedings with a report on the facts of the case and on the points taken in the petition

2 The petition with the enclosures should be returned.

L. R. 162-92-2

By Order,

Draft.

23/6/93

For Chief Secretary.

BANGALORE,
June 1893

S.R.R.

M. G. C. P. Bangalore.—21-11-92—3,000.

(General Serial No. 30.) 421

1893. 9/94 22

From The Dy Commissioner
Tumkur District

(9)

L.R. 162-92-3

To

The Chief Secretary to the ~~Dewan~~ Govt: of Mysore.

Dated 10th July 1893.

Despatched 11th ———

Received

Enclosures No: 4 & Pro:

General No.
No. 35.

Chief Secretary's Offl: Mems
No: 1692 of the 23rd June 1893.

Submits the proceedings connected with the appeal petition of Kuppiya of Kittuahalli in the Gubbi Taluk regarding the Shanbogue of that Village Returns the Enclosures —.

Peter Rice
Mysore
13/7

No: 35. 90 Tumkur District

Deputy Commissioner's Office

Tumkur 10th July 1893.

(4)

To,

The Chief Secretary to the

Government of Mysore

Sir,

As called for in your Official Memorandum No: 1692 of the 23rd June 1893, I have the honor to submit herewith the proceedings connected with the appeal petition of Kup= =piya of Chitnahalli in the Gubbi Talúk regarding the Shanbogui of that Village –

2. The Enclosures of the Memo= =randum under reply are here= =with returned –.

I have the honor to be,

Sir,

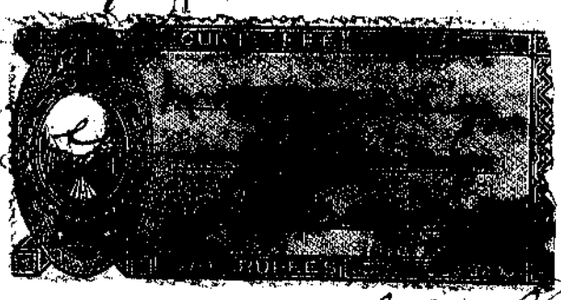
Your most obedient Servant

V. Venkatarangiya

Deputy Commissioner

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. NR. 3265/93
DATE 14-6-93

(1)



Before the Honourable
His Highness the Maha Rajah's
Commissioner
Revenue Appeal Case No
A.S. No 166 of 1893
92-93.

Abdullah Kaptieb. (1st Defendant)

Respondents. 1. Mahrin Kasim Saheb of
Chickaballi in the Gubbi
Taluq. Tumkur District
(1st Plaintiff)
2. Gangadharaiah (2nd Plff)
3. Varadaiah. 2nd Defendant
4. Ramgadhamaiah. 3rd Defendant
5. Rachaiah. 4th Defendant
All residents of Chickaballi
Gubbi Taluq, Tumkur
District.

The Abdullah Saheb respectfully begs to prefer
this appeal against the decision of
the

of the Decree of the Court of the Resident Judge in Revenue Appeal Cases No 12 of 1892-93, for the following reasons; namely

I. That the Plaintiff's suit is barred by the Law of Limitation.

II. That the Plaintiffs are estopped from bringing this suit

III. That the Lower Appellate Court erred in finding that the Appellant is a Dece-fasta chief and in having ordered that his name should be registered as such;

IV. That the Defendant has not given the Plaintiffs or any of the Miraki or they have no right to the Lands and there have no such interest to the office of the village in question as claimed by them

V. That the Defendant has been in receipt of the office of the village in question for upwards of twelve years in his own right

VI. That the Lower Appellate Court erred

exes in admitting & subsequent Copy of acquittance Rolls produced by the Plaintiffs for the 1st time in the said Appellate Court.

VI. That the Lower Appellate Court should have taken evidence as to the bearing of the said acquittance Rolls & the Office of the villages in question.

VII. That the decision of the Lower Appellate Court is against the weight of evidence and probabilities of the case

For the foregoing reasons, the Appellants pray that the Plaintiffs suit may be dismissed with Costs throughout.

Received in the Court on the 12th June 1893

Advocate for Appellants

(General Serial No. 31.)

189

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

(General Serial No. 30.)

1894.

14083.
13 MAR
Pet 628

From The Deputy Commr
Tientsin District.

(6)

Appeal from a decree in a regulation suit.

Entered 6 10 Mar 1894.
Notices to both parties

To The Chief Secretary to the ~~Govt~~ Govt of Mysore.

L.R. 162-92-S

Dated 15th March 1894

Despatched 16th —oo—

Received

Enclosures No. 2 Files

General No. 743 Ref to separate

No.

His docket No 15724
Pet: No: 1498

Dated 13th March 1894.

—"—

Submits as called for the proceedings connected with the Revn: Appeal Case No 12 of 1892-93 on the file of this Court.

Ord R
19/3 Gh

Read
19/3/94

No. 740
2 files

26

(6)

Deputy Commissioner's Office
Tumkur district
Dated the 15th March 1894.

To,

The Chief Secretary to
the Government of Mysore

Sir,

I am Called for in your docket
No. 15124 dated 13th March 1894,
Ct. No. 1498
I have the honor to submit the
proceedings connected with the
Revenue appeal Case No. 12 of 1892-93
on the file of this Court regarding
the Shanbogue office of Chitradalli
village in the Gubbi Taluk. —

I have the honor to be
Sir
Your most obedient Servant

M. Venkatarangiah

Deputy Commissioner

(General Serial No 32.)

1894.

(8)

No. 3150

Name of Petitioner. Iravinakeriaiya (Appt.) by Sri C. D. Venkataramaiah Advocate

Village.

Taluk. Bangalore

District.

Date of Arzi. 23-4-94

Date of Receipt. 30-4-94

Date of Disposal.

No. of Enclosures. Nil

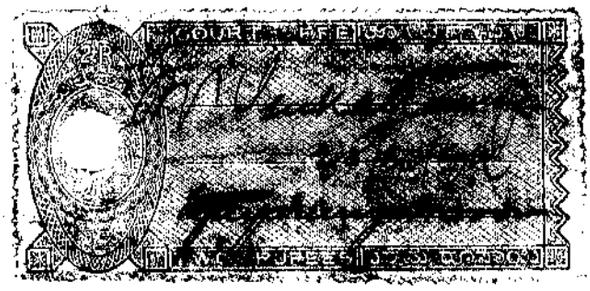
ABSTRACT.

With reference to Revenue Appeal No: 166 of 1892-93, the petitioner (Appt.) ~~prays that a direction may be made~~ begs to take the following objection to the decree appealed against — that a direction may be made in the decree for allowing him to have independent charge either of the Bagayet or Chitnahally Shanbhogi offices or allow him to perform the duties of both the offices by rotation.

Presented by the Dewan Clerk 30/4/94

99

(7)



MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
RECEIVED NO. 3150
DATED 30-4-94

To

The Government of Mysore
Bangalore.

Revenue Appeal no 166 of 1892-93.

Appellant Kuppaya

~~vs~~ Respondent Mavinkeraya

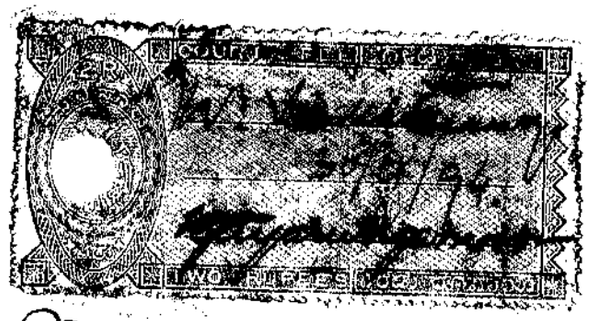
The Respondent above named begs to take the following objection to the Decree appealed against:—

That a direction may be made in the Decree for allowing the Respondent to have independent charge either of the Bagayet or Chitnahully Shanbhagi offices or allow him to perform the duties of both the offices by rotation.

Date of hearing 10th May 1894.

Bangalore
23rd April 94

D Venkatramaiya
Adv. for Respondent



ಕೋರ್ಟಿಗೆ.

ಸ 189 ನೇ ಇಸವಿ ಶೀಲ ನಂಬರ್ 166

ಫಿರ್ಯಾದಿ. ಪ್ರತಿವಾದಿ.

ಗೆ.

ಬರೆಸಿ ಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿ ವಗ್ಯೆರೆ ಕೊಟ್ಟು ಏವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಮತ್ತು ನನಿಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕರಿ ಮೊಬಲಗು ದಸ್ತ್ಯೆವಜು ವಗ್ಯೆರೆ ತೆಗದುಕೊಂಡು ರಶೀದಿ ಕೊಡುವದಕ್ಕೂ ಸಹಾ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಆದ್ದರಿಂದ ತಾವು ನನಿಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದಾಗಿ ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪುತ್ತೇನೆ.

ತಾರೀಖು 24 ನೇ ಜೂಲೈ ಸ 189 4 ನೇ ಇಸವಿ.

ರುಜು

ಅಂಗೀಕರಿಸಿ ಇರುತ್ತೇನೆ.

Vakil for Respondent

ಈ ಮೋಕ್ತ್ಯಾರ್‌ನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರು ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿದ್ದಾರೆ. ಅದ್ದರಿಂದ ನಾನು ಸರ್‌ಟಿಫೈ ಮಾಡಿದ್ದೇನೆ.

ಬೆಂಗಳೂರು ವಿಚಾರ ದರ್ಪಣ ಮುದ್ರಾಕ್ಷರಶಾಲಾ—೧೯೯೩.

(9)

re 23/97 of 26.6.94.
P.H. 153-93 30.

Appeal No. 166 of 1892-93

Kambhoji & Mavinkeria & others

L.R. 162-92-7 Off. Memorandum

~~The Dy~~ Commr. states in para 5 of his judgment, with reference to copies of certain acquittance Rolls, that Off. Mavinkeria enjoyed his share of the emoluments of the office (Kambhoji of Chittan-halli) upto 1882-83. It was urged at the hearing, on behalf of the appellant, that the fees paid to Off. related to ~~Bagepalli and~~ ~~not~~ to Chittanhalli alone & not to Bagepalli, while on the other side it was urged that the payment made was in respect of both the villages. The Deputy Commr is requested to report after referring to official orders ~~and registers~~ ~~in the Taluk Records~~ on the subject

Issue 28/7 27/6

3)

whether emoluments had been fixed separately for each of the two villages ~~separately~~ or jointly for both, and for which of the villages the payments referred to in his judgment were made

The records of the case are herewith sent for reference & ~~re~~submission

By order

28/6

for Chief Secretary

To the Dy Comm^r Trichinopoly

28/6/94

28/6

(General Serial No. 30.)

8-716

1894.95.1 - NOV. 94

Pet: 271

From

The Deputy Commissioner
Tumkur District.

(12)

L.R. 162-92-8 To

The Chief Secretary to the ~~Dewan~~ Government of Mysore.

Dated 5th November 1894.

Despatched 6th —do—

Received

Enclosures No. 2 files sent separately

General No. 404
No.

His official Memo: No. 23/97
P.F. 153-93

of the 26th June 1894.

Furnishing information regarding the emoluments of the office of Shanbogue of Chitradalli circle. —

7/11/94

Read 8/11

Put up with all 8/11

Posted to 13 Dec
Give notice to all parties as before & to 21st Feb
11/12 11/12

No. 404
Encls: 2 files

33

Tumkur District
Deputy Commissioner's Office.
Dated 5th November 1894.

To,

The Chief Secretary to the
Government of Mysore.

Sir,

With reference to your official Memo: No. 23197 / P.F. 153-93 dated the 26th June 1894, enquiring whether emoluments of the office of Shanbogue of Chitrahalli circle have been fixed separately for each of the two villages of Chitrahalli and Bagayat or jointly for both, I have the honor to state that the emoluments in question, viz: Rs. 2-3-- per mensem, were originally for the entire circle consisting of the 16 villages noted in the margin* inclusive of the said two villages of Chitrahalli and Bagayat. In 1879 the said sum was apportioned thus, viz: Rs. 1-1-6 to Kuppiah and Varadiah, 1st and 2d defendants, and Rs. 1-1-6 to Rangadhamiah 3rd defendant and Gungadhariah 2d plaintiff, the 1st plaintiff Mavinakariah being one of the sharers with the said Rangadhamiah, the 3rd defendant. - The

acquittance

* 1. Chitrahalli
2. Kenchenahalli
3. Singasandra
4. Kodigihalli
5. Sivanéhalli
6. Madihalli
7. Bagayat
8. Kodihalli
9. Horakere
10. Jennénahalli
11. Hoorligere
12. Kamalapura
13. Ajjénahalli
14. Padavagoodi
15. Chinnanahalli
16. Halchennénahalli

2

acquittance rolls referred to in para 5 of the judgment of this office shew the payments made as per this distribution. No more particulars are available.

2. The records received with your Docket No. 1340 P.J. 153-93 of the 21st July 1894 are herewith reconmitted. —

I have the honor to be,
Sir,
Your most obedient Servant,

Deputy Commissioner.

To P.

35

The Dy. Comm.r,
Zunkur Dt

Dated ~~Dt~~ ~~Feb 1892~~ No. 19632 / R.H. 153-93 dt 20-4 / 8-5 / 95

(16)

His letter no. 404 dated 5th November 1894, ~~forwarding the records connected with the Shambhaji of Chittambatti Gabbi Jatirth~~

L-R 162-92-9

In returning the records* received with the above ~~has the honour to invite~~ his attention to the statement made by the Treasury assistant Commissioner (Mr. Laying Mapon) in the last para of his judgment in O.S. no. 4 of 1892-93 that Mavinkariah and Gangadariah brought a suit on 19th February 1891 for the very reliefs ~~claimed in the present suit but that it was~~ dismissed for non appearance of Plaintiffs and ~~requests~~ request that he will be so good as to submit the proceedings connected with that suit should one have been filed

By order

Draft.
Reviewed SLR 29/4 : Sh 9 : Chief Secy 4/5

* for needful reference and examination, herewith

& request that he will be so good as to forward to this office as early as practicable the proceedings held in the suit filed by Mavinkariah and Gangadhariah on the 17th February 1891, of which the plaint alone is in the above records. It is stated in the Judgment of Mr. Laying Mapon in Suit No 4 of 1892-93, that the said Suit of 17 Feb. 1891 was

* The plaint is on the file but without any order thereon BR

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

(General Serial No. 30.)

D/C 1895.

OFFICE OF THE
21. MAY 1895
Pet: 652-93
DEPUTY COMMISSIONER

From

The Deputy
Commissioner Dietrich

(15)

L R. 162-92 To-10

The Chief Secretary to the ~~Dewan~~ Government
of Mysore.

Dated 16th May 1895

Despatched

Received

Enclosures No. 3 files in separate packet.

General No. 991
No.

His docketed no: 19632
Pet: F. 153-93

dated the 20th April 1895.

Submitting the proceedings held in the suit filed by Mavinkeria and Gangadharia on the 17th February 1891.

Pet'n.
21/5/95

No: 991
En: 3 files

From

The Deputy Commissioner's of
Kumkur District.
Dated 16th May 1895.

To

The Chief Secretary to the
Government of Mysore.

Sir,

As required in your docket no:
19632
Pol. F. 153-93 dated the 20th April 1895, I beg to
submit herewith the proceedings held in
the suit filed by Manimkeria and
Gangadharia on the 17th February 1891.

2. The records returned with the docket
under reply are herewith retransmitted.

I have the honor to be,
Sir,
Your most obedient Servant

Deputy Commissioner.

(17)

Before the Government of ~~His Highness the Maharaja of~~ Mysore.

Appeal No. 166 of 1892-93 38

Appellant.

Kuppaiya of (1st Pltf) Chikmahalli, Gubbi Taluk by Mr. C. Sabapataiya

Vs.

Respondents.

(1st Pltf) 1. Narainkeraiya by Mr. D. Venkataramaiya

(2nd Pltf) 2 Gangadharaiya

(2nd Pltf) 3. Varadaiya

3rd " - 4 Rangadhamaiya

4th " - 5 Rangaiya

L.R. 162-92-11

Decision.

The appellant and 3rd Respondent belong to one family, and all the other Respondents to another. Both the families had equal shares in the Shanbhogi of 16 villages, and were performing the duties of the office jointly. In 1856, under the orders of the Deputy Superintendent; the Amildar allotted 7 villages to each family and ordered that the office in the ——— remaining two villages

ie. Chittanhalli and Bagayal be held by the two families by turns, each holding one village at a time. In the Register of 1864 Chittanhalli stands in the name of 4th Respondent, and Bagayal in the name of Appellant, the other members of the two families being shown as Kissedars in both the villages. In 1879 in a suit between the Appellant and the 2nd, 3rd & 5th Respondents, a Razinama decree was passed by the Deputy Commr to the effect that the Kasba Chittanhalli be registered in the name of the Appellant, and he be directed to pay the other shares, other shares of Minas, viz. 1/4 to the 3rd Respondent, 1/4 to the 2nd Respondent, and 1/4 to the 5th Respondent & his minor co-sharers who are Nos 1 & 4. The Registry was made accordingly.

In 1891-92, the 1st and 2nd Respondents brought a suit for the recognition of their shares in the two villages, but the Assistant Comm^r who heard the case dismissed it, on the ground that the suit was barred by the Law of Limitation as there was no evidence that the 1st and 2nd Respondents received any share subsequent to the Razinama decree of 1879. But in the appellate Court of the Deputy Commissioner, the 1st Respondent produced public documents to show that both the families received the emoluments of the office, paid by Government till 1887, and the Deputy

Commissioner reversed the decree of his assistant, and decreed that his name be registered as ¼th sharer.

The present appeal is against the above decree.

For the reasons given by the Deputy Commr, the suit does not seem to have been barred. The Plaintiffs would appear to have been receiving their share of the money allowance which was granted by Government. Their allegation is that it was in Chitrabhanu that the payment of their share of the Miras was discontinued. It is very probable that, after the Survey Settlement was introduced and the Pakka Polāji was fixed, the Plaintiffs were refused

up to this the notes drawn up by the Hon'ble Mr Chintamanrao have been adopted BK

their share. But, from the pay abstracts and acquittance rolls filed by Plaintiffs, it is evident that they, or Rangadhamaiya through whom they claim, had been receiving shares of the money allowance from the Treasury till 1885-86. If then there is this evidence of their enjoyment till 1885-86, their omission to receive any portion of the Polaji allowance does not place them under a disadvantage as regards limitation. The finding that the suit is not barred is correct, and is upheld.

With regard to the particulars of the enjoyment, there is enough in the admissions

of the 1st Defendant to hold that the Plaintiffs family had for its share one-half of these villages. This was enjoyed by the 3rd Defendant, and he admits the truth of the statements made in the plaint according to which he gave away his one-half in these villages to the fathers of the two Plaintiffs and reserved for himself his other entire villages. It is thus clear that the Plaintiffs between themselves are the heirs of one half share of the Shanbhog's hak to these villages. The Decree of the Deputy Commissioner gives them each a quarter share and declares their title to as much. This decree is therefore right and must be confirmed.

This appeal is dismissed. Rec 8/6.

By Order

Registrar

Asst Secretary.

11.6.55

No. 23076
No. C.7153-93 dt. 11.6.95
GOVERNMENT OF MYSORE

Copy forwarded to the Deputy Commr, Tumkur District with the records received with his letter No 991 dated 16th May 95.

By Order

8/6/95

Under Secretary.

S.V. 11-6-95

Attested

[illegible]

45 (16)

No. 3265-
As 166 of 92-93.

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

The 189 .

Endorsement granted to Kuppiah of Chitnahalli, Gubbi Taluk, represented by Mr. C. Sabapathi Aya, Barrister at Law.

in reply to his Petition Registered No. 3265 dated 12th June 1893, 166
appealing against the order of the Deputy Commissioner, Tumkur District in Civ. appeal case No. 12 of 92-93 regarding the Shanbhogi of Chitnahalli & Bagey.

Petitioner is informed that the decree passed by the Deputy Commissioner is confirmed and his appeal dismissed

The enclosures are returned

L. Dr. 162-92-12

11-6-95 Draft

'By Order'

Chief Secretary.

M.G.O.—19-2-95—1,000

(18)

నంబర్
3265
A.S.166-92

శ్రీ

[illegible]

[illegible]

[illegible]

P/153-93

47

Genl. Serial No. 32.

1895

(27)

No. 786

Name of Petitioner. Kuppia - Ulankopu

Village. Chittanahalli

Taluk. Sulebi

District. Tumkur

Date of Arzi. 16-8-95

Date of Receipt. 16-8-95

Date of Disposal.

No. of Enclosures. 6

ABSTRACT.

Review application

Prays that the decision of Court in A.S. No. 66 of 1892-93 may be reconsidered on the following grounds

1. The Court having based its decision on the incorrect decree of the Lower Court have rejected his appeal - this is unjust

2. The Lower Appellate Court is wrong in having decided that among the Respondents only the 1st Respondent Nanjundaiya was found owner of the two villages under dispute he is not entitled for any of the villages under dispute. Nor has any claim to it. This is established by the records.

The file is put up
Dy
Exp/8

Application for review of decision passed by the 2nd and 3rd Councillors
In time
Stamp sufficient
Submitted for orders

1-9-95

DR 1/9
Rec'd 3/9

No reasonable grounds
made out for review
which is therefore rejected

9/9/95 Member

" 10-9-95

C.J.C

drafted
Read
11/9

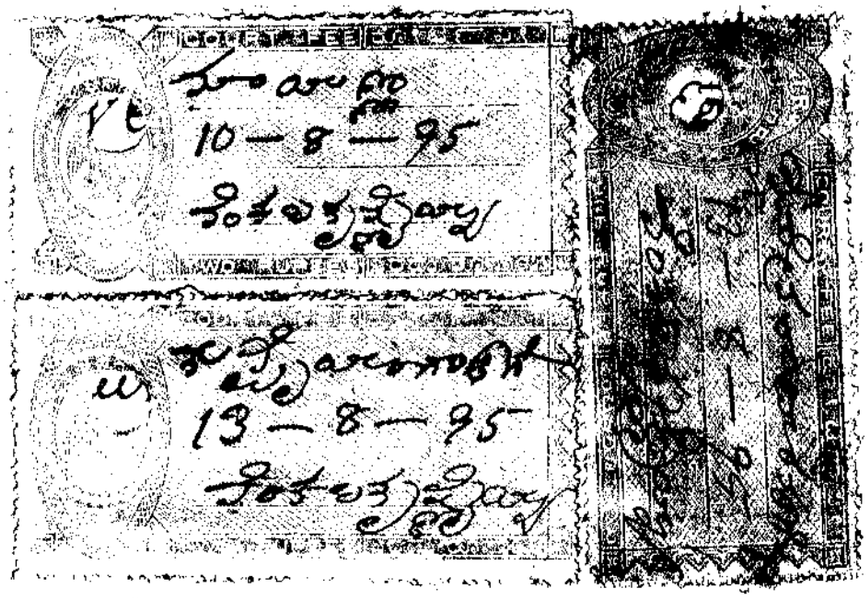
L.R 16-9-95

The lower appellate court was wrong in basing relied upon the receipts submitted to the court and decided that because the 1st respondent was receiving remuneration on account of the villages under dispute. These receipts do not prove that the appellant has given the remuneration. Nor has appellant shewn given the remuneration. In spite of this the lower appellate court without giving consideration to it and without giving him a notice and also an opportunity to represent and submit references in support of his cause decided the matter Exparte in favour of the 1st respondent simply because he produced the above receipts.

Moreover the Court was in doubtful as to what villages the remuneration referred to in the above receipts related called for a report from the Dy. Commissioner was given to the appellant or to his Barrister as to the nature of the report submitted by the above officer - and the Court. finally decided the matter against the appellant - This is contrary to law.

The Court. without taking into consideration the records proving that the claim undisputedly belonged to Chitrakalli - decreed that the 1st respondent was the Inferior to Bagayat - contrary to the long continued enjoyment and possession of the appellant - This is opposed to the law. records and nature of the case -

2/8



49

(21)

786

Encl 6

Two rupees Stamps affd.

Ref 4 No. 786. R.

16th Aug 95. 16-8

6 Enclosures.

Returned with Report

20/9/95

ಇಂತಿ ಶ್ರೀ ಮಹಾಮಂಡಲೇಶ್ವರ ಸಕಲ ವಿದ್ಯಾ ವಿಚಾರ ಪ್ರವೀಣ ಶ್ರೀ ಮದ್ವೀರ ಪ್ರತಾಪ ಚಕ್ರವರ್ತಿ

57

ઉપરોક્ત કામે ફરિયાદી તરફે રજૂ થયેલ પુરાવા તથા આરોપી તરફે રજૂ થયેલ પુરાવા

તથા બંને પક્ષકારોની દલીલો ધ્યાને લેતા આ કામના આરોપી

વિરુદ્ધ ફરિયાદ પક્ષ

—

—

(22)

నంబర్ 786 L. dt. 162-92-14

85 The file requested to P.R. 35 of 94 to be put up

10.10.01

Genl. Records.

Please put up P.R. 35 of 94.

L.R. 162-92-15

10/10/01

Peti. Br:- P.R. 35 of 94 required was sent to Petn Bron 24-8-01. for Petn no 5347 4-8-01 from Karnataka.

10.10.01

P.R. 10/10/01

P.R. 35 of 94 & put up and also P.R. 153 of 93

11/10/01

Submitted to H/Sr Comaller

1) In time

2) Stamp sufficient

16.10.01

The question relates to the appointment of a gumasta for Chitnahalli which the registered hukdar of which is a minor. The Govt has appointed a hissedar on the hukdar under No 524/1/95 (P 57, New Manual) while the pet. who is the brother of the minor wants to nominate the gumasta under No 2 of 10/85 (P 57, New manual)

Received 26/10/01

Submitted 26/10/01

Put up in Council Case. Draft order in next file.

29/10/01

20 by 8/11/1901

(2 & 3)

55

190/

No. 1136

Name of Petitioner Varada Iyengar son of Ruppayya

Village Shanbog Chitnahally

Taluk Gubbi

District Tumkur

Date of Arzi 30th Sept 01

Date of Receipt 4/10

Date of Disposal

No. of Enclosure 1

ABSTRACT

Appeals against the order of the Oy Comr. No 176 dated 2nd aug 1901, which is as follows: ——

Order

I have heard the parties in person. The last officiating Shanbog Ruppayya being dead, Mavinkeraiya, 1st Respondent in Revenue appeal case No 166* of 1892-93 before Government, claims the charge of one of the Firkas enjoyed by the deceased as his family is declared one half share-holders in the two Firkas Chitnahally and Bajagere

MGCPB—23-3-01—3,000.

* vide serial No 17 of the open file (P.R. 153 of 93-94)

of Gubbi Taluk

Kuppaiya's son Varadaiengar in opposing the application states that merely because the decree declares that Mavinkeraiya's family are one half Hiredars, Mavinkeraiya is not entitled to seek to be appointed to the office of Shanboque, so long as his father has left heirs, himself and his two minor brothers. His contention I believe holds good.

Varada Iyengar the eldest son of the last officiator Kuppaiya is accordingly registered & appointed Shanboque of Bagaya village. His minor brother Narasa Iyengar will be registered Shanboque of Chitnahally village but under the terms of Govt. Proceedings No 11829-37 dated 24th Jan 95, I think it is fair that the representation of the other family namely Mavin Keraiya should be appointed Shanboque pro tem during the minority of the Registered Narasaiya in spite of Varadaiengar's objection to it

× Serial No. 2 of the Second file
P.T. 35-94

57

The grounds of appeal are

(1) That the Dy. Comr. is wrong in dismissing of the Gumasta Ship of Hemini without permitting the petitioner to name a Gumasta who would look after the interest of the minor, while the said minor is under the guardianship of the petitioner

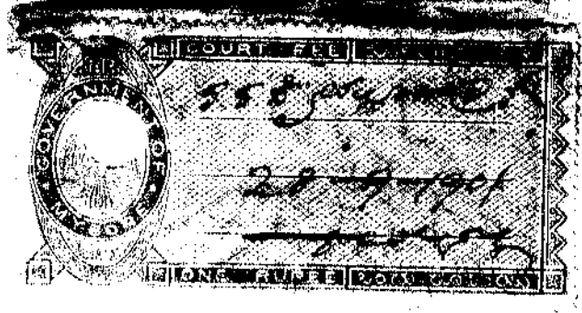
that by this arrangement the interest of the minor would be interfered.

(2) That Mancia Keraiya who has been appointed as Gumasta at present, tried his best to establish his luck to the Shamboga but all his attempts proved fruitless.

that by the appointment of such a quarrelsome man as Gumasta, there is no doubt that the luck of the minor would be at a loss in future.

(3) I pray that the order of the Dy. Comr. may be cancelled & that orders may be issued to the effect that work may be taken from the Gumasta appointed by the petitioner

AB 27/10/07



8

Two Rupees Stamp affixed.

ಅಲ್ಪಸಂಖ್ಯಾತರ ಆಯೋಗ
ಅಲ್ಪಸಂಖ್ಯಾತರ ಆಯೋಗ
ದಿನಾಂಕ 4-10-01 1136

ಮೈಸೂರು ನಗರದ ಶ್ರೀ ಎಲ್.ಆರ್.ಬಿ. ಬೀಟಾಪ್ಟ್
ಬಡವರ್ಗದವರ ಪರವಾಗಿ

THE LEWANS DEPOSIT
PETITION DEPARTMENT
No. 1136 R
4-10-01

ಇದ್ದಿ 1901 ನೇ ಇಸವಿ ಮೇಲ್ಪಾಲಂ ಆಯ್ದ ಕಲಂ 30 ರಲ್ಲಿ ಇರುವ ಶಿಕ್ಷೆಗೆ
ಕಾಲಾಕಾಲಕ್ಕೆ ಬಿ.ಪಿ.ಸಿ ಪದ್ಧತಿಗಳಲ್ಲಿ ಮಾಡಿರುವ ಯಾವುದೇ ತಿದ್ದುಪಡಿಗಳಿಗೆ
ಅನ್ವಯವಾಗುವಂತೆ ಆ ಪೈಕಿಲ್ ಅಪೀಲ್

ಆ ಪೈಕಿಲ್ ಅಪೀಲಿಗೆ ಕಾರಣವಾದ ಅಂಶಗಳು ಶ್ರೀಮತಿ ಬಿ.ಪಿ.ಸಿ ಪದ್ಧತಿಗಳ
ಮತ್ತು ಬಂಗಾರಿಯಲ್ಲಿ ಸ್ಥಾಪಿಸಲ್ಪಟ್ಟಿರುವ ಪೊಲೀಸ್ ಠಾಣೆಗಳಲ್ಲಿ
ಮೊಕದ್ದಮೆಗಳನ್ನು ಹೂಡಿರುವ ಪ್ರಕರಣಗಳಾಗಿವೆ. ಆದುದರಿಂದ ಆ ಪೈಕಿಲ್ ಅಪೀಲ್
ಬಿ.ಪಿ.ಸಿ ಠಾಣೆಗಳ ಯಾವುದೇ ಪೊಲೀಸ್; ಬಂಗಾರಿಯಲ್ಲಿ; ಆ ಪೈಕಿಲ್ ಅಪೀಲ್
ಠಾಣೆಗಳಿಗೆ ಬಿ.ಪಿ.ಸಿ ಪದ್ಧತಿಗಳ ಆ ಪೈಕಿಲ್ ಅಪೀಲ್ ಠಾಣೆಗಳಲ್ಲಿ
ಸಾರ್ವಜನಿಕರಲ್ಲಿ ಅಪರಾಧಗಳನ್ನು ಮಾಡಿರುವ ಪೊಲೀಸರ ಮೇಲೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು
ಪತ್ರಿಕೆಗಳಲ್ಲಿ ಬಂದಿರುವ ವರದಿಗಳನ್ನು ಆಧರಿಸಿ ಸ್ವಯಂ ಪ್ರೇರಿತವಾಗಿ
ಬಂಗಾರಿಯಲ್ಲಿ ಆ ಪೈಕಿಲ್ ಅಪೀಲ್ ಠಾಣೆಗಳಲ್ಲಿ ಕ್ರಮಕೈಗೊಂಡಿರುವ ಕೆಲವು
ಠಾಣೆಗಳಲ್ಲಿ ಬಿ.ಪಿ.ಸಿ ಪದ್ಧತಿಗಳ ಸ್ಥಾಪಿಸಲ್ಪಟ್ಟಿರುವ ಪೊಲೀಸ್ ಠಾಣೆಗಳಲ್ಲಿ
ಸ್ವಯಂ ಪ್ರೇರಿತವಾಗಿ ಕ್ರಮಕೈಗೊಳ್ಳಲು ಪೊಲೀಸರಿಗೆ ಅಧಿಕಾರವಿಲ್ಲದಿರುವ
ಕಾರಣ ಕೆ.ಪಿ.ಸಿ ಪದ್ಧತಿಗಳ ಆ ಪೈಕಿಲ್ ಅಪೀಲ್ ಠಾಣೆಗಳಲ್ಲಿ ಸ್ವಯಂ ಪ್ರೇರಿತವಾಗಿ
ಕ್ರಮಕೈಗೊಳ್ಳಲು ಪೊಲೀಸರಿಗೆ ಅಧಿಕಾರವಿಲ್ಲದಿರುವ ಕಾರಣ ಸಾರ್ವಜನಿಕರಲ್ಲಿ
ಅಪರಾಧಗಳನ್ನು ಮಾಡಿರುವ ಪೊಲೀಸರ ಮೇಲೆ ಕ್ರಮಕೈಗೊಳ್ಳಲು ಪತ್ರಿಕೆಗಳಲ್ಲಿ
ಬಂದಿರುವ ವರದಿಗಳನ್ನು ಆಧರಿಸಿ ಸ್ವಯಂ ಪ್ರೇರಿತವಾಗಿ ಕ್ರಮಕೈಗೊಳ್ಳಲು
ಪೊಲೀಸರಿಗೆ ಅಧಿಕಾರವಿಲ್ಲದಿರುವ ಕಾರಣ ಸಾರ್ವಜನಿಕರಲ್ಲಿ ಅಪರಾಧಗಳನ್ನು
ಮಾಡಿರುವ ಪೊಲೀಸರ ಮೇಲೆ ಕ್ರಮಕೈಗೊಳ್ಳಲು ಪತ್ರಿಕೆಗಳಲ್ಲಿ ಬಂದಿರುವ
ವರದಿಗಳನ್ನು ಆಧರಿಸಿ ಸ್ವಯಂ ಪ್ರೇರಿತವಾಗಿ ಕ್ರಮಕೈಗೊಳ್ಳಲು ಪೊಲೀಸರಿಗೆ
ಅಧಿಕಾರವಿಲ್ಲದಿರುವ ಕಾರಣ . . . . . .

ಇದೇ ಆರೋಪಣೆಯಲ್ಲಿ ಇತ್ತೀಚಿಗೆ ನಡೆದ ಕಾರಣಗಳಲ್ಲಿ
ಮೈಸೂರು ಪ್ರಕರಣಗಳಲ್ಲಿ ಅಪೀಲ್ ಮಾಡಿರುವ ಕಾರಣಗಳಲ್ಲಿ ಅಪೀಲ್ ಮಾಡಿರುವ

ಆ ಪೈಕಿಲ್ ಕಾರಣಗಳು . . . . . .

ಆದ್ದರಿಂದ. ಮೈಸೂರು ಪ್ರಕರಣಗಳಲ್ಲಿ ಆ ಪೈಕಿಲ್ ಅಪೀಲ್ ಠಾಣೆಗಳಲ್ಲಿ
ಸಾರ್ವಜನಿಕರಲ್ಲಿ ಅಪರಾಧಗಳನ್ನು ಮಾಡಿರುವ ಪೊಲೀಸರ ಮೇಲೆ ಕ್ರಮಕೈಗೊಳ್ಳಲು

ತಿಳಿಸಲಾಗಿದೆಯಲ್ಲಾ ಇಷ್ಟೆ ಕೆಲಸಕ್ಕೂ ಭಕ್ತಾದಿಗಳು
ಬಹಳ ಕಡಿಮೆ ಸಂಖ್ಯೆಯಲ್ಲಿ ಬರುವುದರಿಂದಲ್ಲದೆ ಪ್ರತಿದಿನ ಅ
ಭಿಷೇಕಾದಿಗಳು ಕ್ರಮವಾಗಿ ಮೈಸೂರಿನ ಮಹಾರಾಜರು ಮೈಸೂರಿನ ಸಂ
ಪ್ರದಾಯದಂತೆ ಬಹಳ ಕಾಲದಿಂದ ನಡೆಯುತ್ತಾ ಬಂದಿರುವುದರಿಂದ ಅ
ವರು ಶ್ರೀಮಠಕ್ಕೆ ಕೊಡಮಾಡಿರುವ ಸಾಲಗ್ರಾಮಗಳನ್ನು ಮೂಡಿಲವರು
ಅಷ್ಟೆಯಲ್ಲದೆ ಬೇರೆ ಯಾವ ಸಾಲಗ್ರಾಮಗಳನ್ನು ಮೈಸೂರಿನ ಸಂಪ್ರದಾ
ಯಕ್ಕೆ ಬರಕೂಡದೆಂಬ ನಿಯಮವಿರುವುದರಿಂದ . . . . . .

೨ ನೇಯದು ಬಹಳ ಸಾಲಗ್ರಾಮಗಳನ್ನು ಕೆಲವು ಕಡೆಗಳಲ್ಲಿ ಮೊದಲು
ಮಾಡಿಸಿಕೊಂಡಿರುವುದಲ್ಲದೆ ಇದಕ್ಕಿಂತ ಮೊದಲು ಕೆಲವು ಕಡೆಗಳಲ್ಲಿ
ಸೇರಿಸಿದ್ದಾರೆಂದು ಹೇಳಿಕೊಳ್ಳುವ ಸಾಲಗ್ರಾಮಗಳನ್ನು ಕೆಲವು ಕಡೆಗಳಲ್ಲಿ

2 ಕೇಜಿ

ಆರರಲ್ಲಿ ಕೊಡ್ರಿ ಬೇಕಾಗಿ ಬೇರೆ ಅಲ್ಲ ಕೊಡಿ

ಇಕ್ಕೋ ಕಡಿಮೆ ಕಾಂಜೀಪುರ ವರಮೇಲಲ್ಲಂತ ಆರರಲ್ಲಿ

ಹಿಯಾಗ ಇದರಾಗಿ ಹಾಂಬರಲಾಂತಿದ್ದಾಗ ಇಲ್ಲಿಲ್ಲಿ

ಗ್ಲಾಂಡಲ್ಲಿ ಹೋಲಂಬೆನಲ್ಲಿ ಇಲ್ಲಿ ಭಕ್ತಾಂಗಳವರಂಗೆ ಕಾದಂತೆಲ್ಲಿ

ದಲ್ಲಾ ಜಡ್ಡಿ ಮಾಂಸ ಕೆಲಸಲ್ಲಿ ಕೊಡ್ರಂತೆ ರಜೆಲ

ಆರರಲ್ಲಿ ಅಕ್ಷಯ ಕೊಡ್ರಿ ಬೇಕಾಗಿ ಬ್ರಾ ಇದ್ದಂತಾನೆ

ರಲಬಲಾಗಿ ವರಕ್ಕೆ ಅಲಾಂಗಾಲ್